



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes CITY COUNCIL AGENDA WORK SESSION

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

---

Monday, November 11, 2013

5:15 PM

Council Chamber

---

**Presiding:** R. Steve Tumlin, Mayor  
**Present:** Annette Lewis, Johnny Sinclair, G. A. (Andy) Morris,  
Rev. Anthony Coleman, Jim King and Philip M. Goldstein  
**Absent:** Grif Chalfant

**Also Present:**  
*William F. Bruton, Jr. City Manager*  
*Douglas R. Haynie, City Attorney*  
*Stephanie Guy, City Clerk*

### CALL TO ORDER:

*Mayor R. Steve Tumlin called the meeting to order at 5:18 p.m.*

### MINUTES:

#### 20131216 Regular Meeting - October 7, 2013

Review and approval of the October 7, 2013 regular meeting minutes.

**A motion was made by Council member King, seconded by Council member Lewis, that this matter be Approved. The motion carried by the following vote:**

**Vote: 6 - 0 - 0                      Approved**

### BUSINESS:

#### 20131302 BLW Report

Council Member Johnny Sinclair gives the Board of Lights and Water (BLW) report for the meeting held on Monday, November 11, 2013.

*General Manager Robert Lewis reported on the actions of the Board of Lights and Water at their November 11, 2013 regular meeting. Finance Director Sam Lady reported on the BLW finance statements. (See the November 11, 2013 regular Board of Lights and Water meeting minutes for details.)*

**Reported**

**20131307**

**Jones, Lang LaSalle Presentation**

Presentation by Jones Lang LaSalle Americas, Inc. regarding real estate consultant services for the Franklin Gateway Redevelopment Area.

**Presented**

**20131174**

**Franklin Gateway Redevelopment Area**

Recommendation of a Real Estate Advisor Consultant Services Firm for the Franklin Gateway Redevelopment Area and authorization for staff to negotiate a contract to be brought back to Council for approval.

*Motion to move forward with Jones Lang LaSalle Americas, Inc. as the Real Estate Advisor Consultant Services Firm for the Franklin Gateway Redevelopment Area and authorization for staff to negotiate a contract to be brought back to Council for approval.*

**The motion was made by Council member Goldstein, seconded by Council member King, that this matter be added to the Consent Agenda. The motion carried by the following vote:**

**Vote: 6 - 0 – 0**

**Recommended for Approval - Consent Agenda**

**20131314**

**Marietta Redevelopment Corporation**

Discussion, direction and motion related to request from Marietta Redevelopment Corporation related to the renewal of the Marietta Redevelopment Corporation loan with the Bank of North Georgia. This matter is requested by Mayor Tumlin and Mr. Chalfant.

*Philip Goldstein previously disclosed that he owns stock individually as well as jointly in Synovis. Said company is the parent of Bank of North Ga. If all stock in Synovis (as of the 7-1-2013 investment statement) owned individually or jointly were sold, the amount attributable to him from his ownership portion would be approximately \$3,964.93 based on the stock price when checked on 10-8-2013. While it is under the reporting requirement, he elects to not participate on this issue at this time and abstain on any action relating to this issue.*

*Haynie, Litchfield, Crane & White, PC, from time to time, but not in this matter, has performed real estate closings for or with client for Bank of North Georgia.*

*Mayor Tumlin is a Board member of the MRC and is a member of the governing body that appoints the Board Members of the MRC. The Law Firm, Smith, Tumlin, McCurley & Patrick, PC, of which Tumlin is a non-owner associate, from time to time, but not in this matter, has performed real estate closings for or with client for Bank of North Georgia.*

*Motion to hold the discussion regarding this matter until the November 13 Council meeting to allow input from all council members.*

**The motion was made by Council member Sinclair, seconded by Council member King, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:**

**Vote: 5 – 0 – 0            Recommended for Council Agenda Non Consent**  
Absent for the vote: Philip M. Goldstein

**20131329**

**Certified Election Results**

Motion to approve the certified election results of the November 5, 2013, City of Marietta General Election related to the Mayor and City Council, as presented by the Cobb County Board of Elections and Registration.

**The motion was made by Council member Goldstein, seconded by Council member Sinclair, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:**

**Vote: 5 – 0 – 1            Recommended for Council Agenda Non Consent**  
Abstaining: Annette Lewis

**20131311**

**Issuance of General Obligation Debt Resolution**

Resolution of the City Council of the City of Marietta declaring the results of an election determining the issuance of General Obligation Debt by the City of Marietta and for other related purposes.

**A motion was made by Council member Goldstein, seconded by Council member Sinclair, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 6 – 0 – 0            Recommended for Approval - Consent Agenda**

20131317

**2013 General Obligation Bonds**

Discussion and motion or motions related to the issuance of bonds per the voter approval of the General Obligation Bonds on November 5, 2013. This matter is requested by the City Attorney and the Bond Attorney. (The RFQ for the bond underwriter is being issued and will be brought back to council for a decision soon.)

*Discussion was held regarding the recently approved General Obligation Bonds. Financial consultant Diane McNabb and Bond Attorney Teresa Finister were present to answer questions.*

*Motion to authorize the Bond Attorney and Financial Advisor to move forward with the issuance of the General Obligation Bonds by competitive purchase.*

*Further discussion was held regarding the issuance amount.*

*An amended motion was made by Council member Goldstein, seconded by Council member King, to authorize the Bond Attorney and Financial Advisor to move forward with the issuance of the General Obligation Bonds by competitive purchase for the full \$68 million.*

**The motion carried by the following vote:**

**Vote: 6 – 0 – 0**

**Recommended for Council Agenda Non Consent**

20131284

**Cobb County Community Relations Council**

Discussion regarding an appointment to the Cobb County Community Relations Council.

*The appointment was added to the council agenda as a Mayor's Appointment.*

**Recommended for Council Agenda**

20131305

**Draft City Council Agenda**

Review and approval of the November 13, 2013, DRAFT City Council Agenda.

*-under Minutes: Agenda item 20131217, Regular Meeting Minutes, was added to the consent agenda.*

*-under Ordinances: Agenda 20131102 should have a disclosure by Philip M. Goldstein. (The asterisk shown on agenda items 20131101 and 20131102 should be removed.)*

*-under Judicial/Legislative: The third stipulation for Agenda item 20131251 was amended to read, "3. Allow street frontage trees within the street right of way, subject to the approval of the Public Works Director." This matter was also*

*removed from the consent agenda.*

*-under Public Works: Agenda item 20131236 was amended to add the following at the end, "...per the terms in the attached agreement."*

### **Discussed**

*Prior to the executive session, Mr. Haynie presented a draft copy of the conflict of interest affidavit that was previously requested. Discussion was held.*

*A motion was made by Council member King, seconded by Council member Morris, to add an item to the agenda to approve the use of a Conflict of Interest Affidavit related to the selection of the real estate advisor consultants.*

### **The motion carried by the following vote:**

**Vote: 4 – 2 – 0**

**Approved**

Voting Against: Anthony Coleman and Philip M. Goldstein

**20131306**

### **Executive Session**

Executive Session to discuss legal, personnel and/or real estate matters.

**A motion was made in open session by Council member King, seconded by Council member Goldstein, to enter an Executive Session to discuss real estate matters. The motion carried by the following vote:**

**Vote: 6 - 0 - 0**

**Approved**

*For: Annette Lewis, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman, Jim King and Philip M. Goldstein*

The Executive Session was held.

**A motion was made in open session by Council member Sinclair, seconded by Council member King, to exit the Executive Session. The motion carried by the following vote:**

**Vote: 4 - 0 - 0**

**Approved**

*For: Johnny Sinclair, G. A. (Andy) Morris, Jim King and Philip M. Goldstein  
Absent for the vote: Annette Lewis and Anthony Coleman*

*A motion was made by Council member King, seconded by Council member Sinclair, to add a motion to the Council consent agenda to authorize the acquisition of property at 272 Washington Avenue from James W. Friedewald, Christopher M. Bethel, & Justin M. Schneider for the purpose of constructing the Alexander Street Improvements - Roswell to Washington Project in exchange for \$145,962.45 with the following stipulations:*

*1. In view of the fact that the taking by the City precipitates the loss of parking spaces from twelve (12) to seven (7) places, the subject property becomes a*

*non-conforming "grandfathered" use. A request is made to waive the application fees and assist the property owner in submitting the Board of Zoning Appeals application for a reduction in the required number of parking spaces.*

*2. The City will allow for the temporary use of 8 parking spaces during the period of time of construction in the City parking lot across Washington Avenue from the subject property. The property owner will be responsible for installing temporary signage indicating that said parking spaces are specifically reserved for the staff and/or clients of Edwards, Friedewald & Grayson.*

*3. The City's incurrence of the costs and expenses related to the relocation of the HVAC system.*

**The motion carried by the following vote:**

**Vote: 4 - 0 - 0                      Recommended for Approval – Consent Agenda**

Absent for the vote: Annette Lewis and Anthony Coleman

*A motion was made by Council member King, seconded by Council member Sinclair, to add a motion to the Council consent agenda to authorize the acquisition of property at 260 Washington Avenue by means of eminent domain.*

**The motion carried by the following vote:**

**Vote: 4 - 0 - 0                      Recommended for Approval – Consent Agenda**

Absent for the vote: Annette Lewis and Anthony Coleman

*A motion was made by Council member Sinclair, seconded by Council member King, to add a motion to the Council consent agenda to authorize the acquisition of property at 343 Allgood Road owned by The First Group Trading, LLC, for the exchange of \$57,000.*

**The motion carried by the following vote:**

**Vote: 4 - 0 - 0                      Recommended for Approval – Consent Agenda**

Absent for the vote: Annette Lewis and Anthony Coleman

**ADJOURNMENT:**

*The meeting was adjourned at 9:31 p.m.*

**Respectfully submitted,**

\_\_\_\_\_  
**Stephanie Guy, City Clerk**

**Approved:** \_\_\_\_\_